

MINUTES

SAN RAFAEL CITY COUNCIL – MONDAY, JUNE 15, 2020



REGULAR MEETING AT 7:00 P.M.

Telephone: (669) 900-9128,

ID: 878 4083 1894

CORONAVIRUS (COVID-19) ADVISORY NOTICE

In response to Executive Order N-29-20, the City of San Rafael will no longer offer an in-person meeting location for the public to attend. This meeting will be streamed through YouTube Live at www.youtube.com/cityofsanrafael. Comments submitted via YouTube Live must be submitted according to the directions located on the YouTube video description. The City is not responsible for any interrupted service. To ensure the City Council receives your comments, submit written comments to the City Clerk prior to the meeting. For more information regarding real-time public comments, please visit our Live Commenting Pilot page at <https://www.cityofsanrafael.org/live-commenting-pilot/>.

Want to listen to the meeting and comment in real-time over the phone? Contact the City Clerk's office at 415-485-3066 or by email to lindsay.lara@cityofsanrafael.org to learn more about participation by telephone.

Any member of the public who needs accommodations should contact the City Clerk (email lindsay.lara@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Present: Mayor Phillips
Vice Mayor Colin
Councilmember Bushey
Councilmember McCullough

Absent: Councilmember Gamblin

Also Present: City Manager Jim Schutz
City Attorney Rob Epstein (Closed Session only)
Assistant City Attorney Lisa Goldfien
City Clerk Lindsay Lara

OPEN SESSION – (669) 900-9128, ID 886-1182-5128# – 6:00 PM

1. Mayor Phillips announced Closed Session items.

CLOSED SESSION – (669) 900-9128, ID: 886-1182-5128# – 6:00 PM

2. Closed Session:
 - a. Conference with Labor Negotiators – Government Code Section 54957.6
Lead Negotiator: Timothy L. Davis (Burke, Williams & Sorensen)

Agency Designated Representatives: Jim Schutz, Cristine Alilovich, Nadine Hade, Shibani Nag, Diana Bishop

Employee Organizations: SEIU - Childcare; San Rafael Police Mid-Management Association; Public Employee Union, Local 1; San Rafael Firefighters' Association; San Rafael Police Association; SEIU Local 1021; Western Council of Engineers; San Rafael Fire Chief Officers' Association

REGULAR MEETING - VIRTUAL MEETING

Telephone: (669) 900-9128,

ID: 878 4083 1894

Mayor Phillips called the meeting to order at 7:04 p.m. and invited City Clerk Lindsay Lara to call the roll. All members of the City Council were present.

City Clerk Lindsay Lara informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through YouTube live chat. She explained the process for community participation through the telephone and on YouTube.

Assistant City Attorney Lisa Goldfien announced that no reportable action was taken in Closed Session

CITY MANAGER'S REPORT:

3. City Manager's Report:

City Manager Jim Schutz spoke on the murder of George Floyd at the hands of the Minneapolis Police and spoke on what the City is doing at this time in policing and government.

Police Chief Diana Bishop also spoke on condemning the violence that ended George Floyd's life and expressed assurance that the SRPD is committed to being part of the solution in working with City leaders and the community to find better ways to serve all people.

City Manager Jim Schutz provided a brief update on the City's response to COVID-19.

Mayor Phillips thanked and expressed support for both Jim Schutz and Chief Bishop's comments and announced formalizing a committee to review police policies and procedures.

OPEN TIME FOR PUBLIC EXPRESSION – 7:00 PM

Mayor Phillips invited public comment

Correspondence in real-time through YouTube or telephone

- Crystal addressed the City Council regarding police expenditures in the budget
- Name withheld asked the City Council for the ethnic/racial breakdown of the SRPD's use of force incidents
- Susan McKinney addressed the City Council expressing support for non-police involvement with mental health, drug addiction and homelessness issues
- Chadwich Harber addressed the City Council regarding optimizing voting experiences

- Name withheld addressed the City Council regarding the SRPD
- Name withheld thanked the City Council for addressing BLM and racial justice
- Name withheld addressed the City Council regarding the SRPD Association asking for donations
- Name withheld addressed the City Council regarding divesting funds from the police and investing in community services
- Name withheld addressed the City Council regarding defunding the police
- D Uzarski addressed the City Council regarding 104 Shaver and community comments
- Name withheld addressed the City Council regarding police funding
- Michael Reynolds addressed the City Council regarding the SRPD budget
- Name withheld addressed the City Council regarding pressures and campaign contributions

CONSENT CALENDAR:

Mayor Phillips held item 4.j from the Consent Calendar

Mayor Phillips invited public comment on the Consent Calendar

Correspondence in real-time through YouTube or telephone

- Elissa Gensburn addressed the City Council regarding the budget, police and racial disparity
- Dave Olson addressed the City Council regarding item 4.h

Councilmember McCullough moved and Councilmember Bushey seconded to approve the remainder of the Consent Calendar

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips
 NOES: Councilmembers: None
 ABSENT: Councilmembers: Gamblin

4. Consent Calendar Items:

a. **Approval of Minutes**

Approve Minutes of City Council / Successor Agency Regular Meeting of Monday, June 1, 2020 (CC)

Approved as submitted

b. **Proposing General Municipal Election 2020**

Resolution Calling and Giving Notice of At-Large Elections, By-District Elections, By-District Elections for Districts 1/Southern and 4/Northern, and San Rafael Board of Education Trustee Area Elections for Areas 1, 3 and 5, to Be Held on November 3, 2020, Requesting the Marin County Board of Supervisors to Consolidate with Any Other Election Conducted on Said Date, and Requesting Election Services (CC)

Resolution 14814 - Resolution Calling and Giving Notice of At-Large Elections, By-District Elections, By-District Elections for Districts 1/Southern and 4/Northern, and San Rafael Board of Education Trustee Area Elections for Areas 1, 3 and 5, to Be Held on November 3, 2020,

Requesting the Marin County Board of Supervisors to Consolidate with Any Other Election Conducted on Said Date, and Requesting Election Services

- c. **Professional Service Agreement for Permit Management System
Resolution Authorizing the City Manager to Execute an Agreement for Professional Services with Camino Technology Solutions, Inc. to Develop a Permit Management System, with a Three-Year Term for a Contract Amount Not to Exceed \$175,000 (CD)**
Resolution 14815 - Resolution Authorizing the City Manager to Execute an Agreement for Professional Services with Camino Technology Solutions, Inc. to Develop a Permit Management System, with a Three-Year Term for a Contract Amount Not to Exceed \$175,000
- d. **Paramedic Tax Rate for Fiscal Year 2020-21
Second Introduction and Final Adoption of Ordinance No. 1985: An Ordinance Amending the Paramedic Service Special Tax Rates Within the Voter-Approved Limit, Commencing with Fiscal Year 2020-2021, for improved Residential and Non-Residential Properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District (Fin)**
Ordinance No. 1985 - An Ordinance Amending the Paramedic Service Special Tax Rates Within the Voter-Approved Limit, Commencing with Fiscal Year 2020-2021, for improved Residential and Non-Residential Properties in the City of San Rafael, County Service Area No. 13, County Service Area No. 19, and the Marinwood Community Services District
- e. **City Investment Policy
Annual Review and Resolution to Approve the City of San Rafael Investment Policy (Fin)**
Accepted Report and Resolution 14816 - Resolution to Approve the City of San Rafael Investment Policy
- f. **Annual Adjustment to the Library Parcel Tax
Report Concerning the Annual Consumer Price Index (CPI) Rate Adjustment for the Special Library Services Parcel Tax for the Fiscal Year July 1, 2020 Through June 30, 2021 as Specified in Voter-Approved Measure D (San Rafael Municipal Code Chapter 3.36) (Fin)**
Accepted Report
- g. **Special Tax on Properties at the Village at Loch Lomond Marina – Mello-Roos District No. 2
Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2020-21 (PW)**
Resolution 14817 - Resolution Setting the Special Tax for City of San Rafael Community Facilities District No. 2 (The Village at Loch Lomond Marina) for Fiscal Year 2020-21
- h. **Baypoint Lagoons Assessment District
Baypoint Lagoons Landscaping and Lighting Assessment District Annual Assessment: (PW)**
- i. **Resolution Directing Filing of Engineer's Annual Report FY 2020-21**

Resolution 14818 - Resolution Directing Filing of Engineer's Annual Report FY 2020-21

- ii. **Resolution Approving Engineer's Annual Report FY 2020-21**
Resolution 14819 - Resolution Approving Engineer's Annual Report FY 2020-21

- iii. **Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 20, 2020**
Resolution 14820 - Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 20, 2020

- i. **Point San Pedro Road Median Landscaping Assessment District**
Point San Pedro Road Median Landscaping Assessment District Annual Assessment: (PW)
 - i. **Resolution Directing Filing of Engineer's Annual Report FY 2020-21**
Resolution 14821 - Resolution Directing Filing of Engineer's Annual Report FY 2020-21

 - ii. **Resolution Approving Engineer's Annual Levy Report FY 2020-21**
Resolution 14822 - Resolution Approving Engineer's Annual Levy Report FY 2020-21

 - iii. **Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 20, 2020**
Resolution 14823 - Resolution of Intention to Order Improvements and Setting a Public Hearing on the Annual Assessment for the City Council Meeting of July 20, 2020

- j. **[Francisco Boulevard West - Rice Drive to Second Street Project](#)**
Adopt Resolutions Related to the Francisco Boulevard West – Rice Drive to Second Street Project, City Project No. 11364: (PW)
 - i. **Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Francisco Boulevard West - Rice Drive to Second Street Project, City Project No. 11364, to Ghilotti Bros., Inc., In the Amount of \$2,259,787 and Authorizing Contingency Funds In the Amount of \$253,498, for a Total Appropriated Amount of \$2,513,285**

 - ii. **Resolution Authorizing the City Manager to Execute a Deductive Change Order for the Francisco Boulevard West – Rice Drive to Second Street Project, City Project No. 11364, in the amount of \$575, 285**

This item was held from the Consent Calendar (and heard afterwards)

Mayor Phillips invited Todd Hedin to address the City Council

Mayor Phillips asked Bill Guerin, Director of Public Works to comment

Bill Guerin responded to questions from the Councilmembers

Mayor Phillips invited public comment

Speaker: Name withheld

Bill Guerin responded to public comment and Councilmember questions

Assistant City Attorney Lisa Goldfien provided comment

Todd Hedin provided comment

Bill Guerin provided comment

Mayor Phillips returned to public comment

Speakers: Name withheld, Maika Llorens Gulati, Name withheld

There being no further comment, Mayor Phillips closed the public comment period

Bill Guerin responded to Councilmember questions

Councilmembers provided comment

Councilmember Bushey moved and Councilmember McCullough seconded to adopt the resolution

AYES:	Councilmembers:	Bushey, Colin, McCullough & Mayor Phillips
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gamblin

Resolution 14827 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Francisco Boulevard West - Rice Drive to Second Street Project, City Project No. 11364, to Ghilotti Bros., Inc., In the Amount of \$2,259,787 and Authorizing Contingency Funds In the Amount of \$253,498, for a Total Appropriated Amount of \$2,513,285

Councilmember McCullough moved and Councilmember Bushey seconded to adopt the resolution

AYES:	Councilmembers:	Bushey, Colin, McCullough & Mayor Phillips
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Gamblin

Resolution 14828 - Resolution Authorizing the City Manager to Execute a Deductive Change Order for the Francisco Boulevard West – Rice Drive to Second Street Project, City Project No. 11364, in the amount of \$575, 285

- k. **Marin County Stormwater Pollution Prevention Program
Resolution Approving and Authorizing the City Manager to Execute a Memorandum of Understanding with the County of Marin for the Marin County Stormwater Pollution Prevention Program Control Infrastructure Project (PW)**
Resolution 14824 - Resolution Approving and Authorizing the City Manager to Execute a Memorandum of Understanding with the County of Marin for the Marin County Stormwater Pollution Prevention Program Control Infrastructure Project

- l. **Public Safety Center Street Resurfacing
Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Public Safety Center Street Resurfacing Project, City Project No. 11377, to Era Construction, Inc., In the Amount Of \$539,899, and Authorizing Contingency Funds In the Amount of \$90,101, for a Total Appropriated Amount of \$630,000 (PW)**
Resolution 14825 - Resolution Awarding and Authorizing the City Manager to Execute a Construction Agreement for the Public Safety Center Street Resurfacing Project, City Project No. 11377, to Era Construction, Inc., In the Amount Of \$539,899, and Authorizing Contingency Funds In the Amount of \$90,101, for a Total Appropriated Amount of \$630,000

- m. **Southern Heights Bridge Replacement
Resolution Approving and Authorizing the City Manager to Execute a Third Amendment to the Agreement with Mark Thomas and Company, Inc. for Construction Support and Additional Right of Way Services, in an Additional Contract Amount Not to Exceed \$180,198 (PW)**
Resolution 14826 - Resolution Approving and Authorizing the City Manager to Execute a Third Amendment to the Agreement with Mark Thomas and Company, Inc. for Construction Support and Additional Right of Way Services, in an Additional Contract Amount Not to Exceed \$180,198

OTHER AGENDA ITEMS:

5. Other Agenda Items:

- a. **[Plan Bay Area 2050 – Priority Development Areas \(PDA\)](#)
Resolution Authorizing the Submittal of a Letter of Interest Nominating the Northgate and Southeast San Rafael/Canal Neighborhoods as Priority Development Areas as Part of the Plan Bay Area 2050 Program (CD)**

Ethan Guy, Principal Analyst presented the Staff Report

Staff responded to comments and questions from Councilmembers

Mayor Phillips invited public comment

Speakers: Bill Carney Sustainable San Rafael, Name withheld, Name withheld, Name withheld, Shirley Fisher, Name withheld, Name withheld, David Smith, Name withheld, Eric Boales, Nimalan Mahendran, Name withheld, Dave Bonfilio, Name withheld, Name withheld,

Name withheld, Name withheld, Name withheld, Name withheld, Name withheld, Greg Knell, Pam Reaves

Staff responded to comments and questions from Councilmembers

Councilmember Bushey moved and Councilmember Colin seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: Gamblin

Resolution 14829 - Resolution Authorizing the Submittal of a Letter of Interest Nominating the Northgate and Southeast San Rafael/Canal Neighborhoods as Priority Development Areas as Part of the Plan Bay Area 2050 Program

Meeting called to recess

Meeting called back into session

b. Final Citywide Proposed Budget for Fiscal Year 2020-2021 and Legal Spending Limit:
(Fin)

- i. **Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2020-2021 and Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$127,943,913;**
- ii. **Resolution Approving Fiscal Year 2020-2021 Gann Appropriations Limit at \$143,208,909**

Nadine Hade, Finance Director presented the Staff Report

Mayor Phillips invited public comment

Speakers: Jill Harris, Matthew Spiegel, Irene Langlamet, Eder Ruiz, Michael Reynolds, Brian Duncan, Jennifer Ghidinelli

Staff responded to public comment

Councilmembers provided comment

Councilmember McCullough moved and Councilmember Colin seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: Gamblin

Resolution 14830 - Resolution Approving the Citywide Budget and Capital Improvement Program for the Fiscal Year 2020-2021 and Providing for the Appropriations and Expenditure of All Sums Set Forth in the Budget in the Amount of \$127,943,913

Councilmember McCullough moved and Councilmember Colin seconded to adopt the resolution

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: Gamblin

Resolution 14831 - Resolution Approving Fiscal Year 2020-2021 Gann Appropriations Limit at \$143,208,909

c. **Public Opinion Polling Survey Results for Potential Local Sales Tax Ballot Measure**
Informational Report on the Results of a Recent Public Opinion Poll Conducted to Evaluate the Feasibility of a Potential Ballot Measure to Increase the Local Sales Tax Rate (CM)

Cristine Alilovich, Assistant City Manager introduced Bryan Godbe, Godbe Research and Charles Heath, TBWBH Props & Measures who presented the Staff Report

Mayor Phillips invited public comment

Speakers: Name withheld, Name withheld

Councilmembers provided comment

Councilmember McCullough moved and Councilmember Bushey seconded to accept the report

AYES: Councilmembers: Bushey, Colin, McCullough & Mayor Phillips
NOES: Councilmembers: None
ABSENT: Councilmembers: Gamblin

Accepted Report

COUNCILMEMBER REPORTS / REQUESTS FOR FUTURE AGENDA ITEMS:
(including AB 1234 Reports on Meetings and Conferences Attended at City Expense)

6. Councilmember Reports: - None.

SAN RAFAEL SUCCESSOR AGENCY:

1. Consent Calendar: - None.

ADJOURNMENT:

Mayor Phillips adjourned the City Council meeting at 10:17 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2020

GARY O. PHILLIPS, Mayor